

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON**

IN RE: ETHICON, INC., PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION	Master File No. 2:12-MD-02327 MDL 2327 JOSEPH R. GOODWIN U.S. DISTRICT JUDGE
THIS DOCUMENT RELATES TO: WAVE 1 CASES	

**MOTION TO EXCLUDE THE OPINIONS
AND TESTIMONY OF DR. JIMMY W. MAYS**

Defendants Ethicon, Inc. and Johnson & Johnson (“Ethicon”) move to exclude the opinions and testimony of Dr. Jimmy W. Mays, Ph.D. Dr. Mays’ proposed opinion testimony is unreliable and irrelevant under the standard set forth in *Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579 (1993). Ethicon incorporates its Memorandum in Support of Motion to Exclude the Opinions and Testimony of Dr. Jimmy W. Mays, and also the following exhibits:

1. List of cases to which this motion applies, attached as Exhibit A.
2. Expert Report of Jimmy W. Mays, dated February 1, 2016, attached as Exhibit B.
3. Excerpts from the *Huskey* Trial Transcript of August 25, 2014, attached as Exhibit C.
4. Excerpts from the deposition of Scott Guelcher, Ph.D., dated March 23, 2016, attached as Exhibit D.
5. Excerpts from the deposition of Duane Priddy, Ph.D., dated March 8, 2016, attached as Exhibit E.
6. Excerpts from the deposition of Jimmy W. Mays, Ph.D., dated March 2, 2016, attached as Exhibit F.

7. D. Ostergard, *Degradation, Infection and Heat Effects on Polypropylene Mesh for Pelvic Implantation: What Was Known and When It Was Known*, 22 Int. Urogynecol. J. 771 (2011), attached as Exhibit G.
8. W. Jongebloed & J. Worst, *Degradation of Polypropylene in the Human Eye: A SEM Study*, 64 Documenta Ophthalmologica 143 (1986), attached as Exhibit H.
9. W. Jongebloed, *et al.*, *Mechanical and Biomechanical Effects of Man-Made Fibres and Metals in the Human Eye: A SEM Study*, 61 Documenta Ophthalmologica 303 (1986), attached as Exhibit I.
10. C.R. Costello, *et al.*, *Characterization of Heavyweight and Lightweight Polypropylene Prosthetic Mesh Explants From a Single Patient*, 14 Surg. Innov. 168 (2007), attached as Exhibit J.
11. C.R. Costello, *et al.*, *Materials Characterization of Explanted Hernia Meshes*, 83B J. Biomed. Mater. Res Part B: Appl Biomater 44 (2007), attached as Exhibit K.
12. C. Mary, *et al.*, *Comparison of the In Vivo Behavior of Polyvinylidene Fluoride and Polypropylene Sutures Used in Vascular Surgery*, 44 Am. Soc'y Artificial Internal Organs J. 199 (1998), attached as Exhibit L.
13. Expert Report of Shelby Thames, dated March 1, 2016, attached as Exhibit M.
14. B. Matlaga Ltr. to Dr. A. Lunn (Mar. 23, 1983), ETH.MESH.15955438-73, attached as Exhibit N.
15. IR Microscopy of Explanted Prolene (Sept. 30, 1987), ETH.MESH.12831391-1404, attached as Exhibit O.
16. Excerpts from the deposition of Howard C. Jordi, Ph.D., dated October 30, 2013, attached as Exhibit P.
17. Seven Year Data for Ten Year Prolene Study (Oct. 15, 1992), ETH.MESH.09888220, attached as Exhibit Q.
18. U. Klinge, *et al.*, *Shrinkage of Polypropylene Mesh In Vivo: An Experimental Study in Dogs*, 164 Eur. J. Surgery. 965, 965 (1998), attached as Exhibit R.

WHEREFORE, FOR THESE REASONS and as more fully set forth in Ethicon's supporting memorandum of law, Ethicon respectfully requests that this Court enter an order granting Ethicon's Motion to Exclude the Opinions and Testimony of Dr. Jimmy W. Mays.

Respectfully submitted,

ETHICON, INC. AND
JOHNSON & JOHNSON

/s/ Susan M. Robinson

Susan M. Robinson (W.Va. Bar #5169)
THOMAS COMBS & SPANN PLLC
300 Summers St.
Suite 1380 (25301)
P.O. Box 3824
Charleston, WV 25338
Telephone: 304.414.1807
srobinson@tcspllc.com

/s/ Christy D. Jones

Christy D. Jones
BUTLER SNOW LLP
1020 Highland Colony Parkway
Suite 1400 (39157)
P.O. Box 6010
Ridgeland, MS 39158-6010
Telephone: 601.985.4523
christy.jones@butlersnow.com

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CERTIFICATE OF SERVICE

I certify that on April 21, 2016, I electronically filed this document with the clerk of the court using the CM/ECF system, which will send notification of this filing to CM/ECF participants registered to receive service in this MDL.

/s/ Susan M. Robinson

Susan M. Robinson (W.Va. Bar #5169)
THOMAS COMBS & SPANN PLLC
300 Summers St.
Suite 1380 (25301)
P.O. Box 3824
Charleston, WV 25338
Telephone: 304.414.1807
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